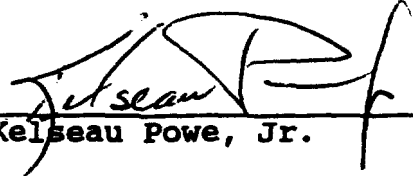


CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 2nd day of June, 1994, I have caused a copy of the foregoing **OPPOSITION** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.


Kelseau Powe, Jr.

***Hand-Delivered**

(MED1A214/JH/lh)

175

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

Petition for Rulemaking to Adapt)
the Section 214 Process to the)
Construction of Video Dialtone)
Facilities)

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OPPOSITION

U S WEST Communications, Inc. ("U S WEST"), through counsel, and pursuant to Section 1.405(a) of the Federal Communications Commission's ("Commission") Rules,¹ hereby files its Opposition to the above-captioned Petition for Rulemaking filed on May 23, 1994, by the Center for Media Education, the Consumer Federation of America, the Office of Communication of the United Church of Christ, the National Association for the Advancement of Colored People and the National Council of La Raza ("Joint Petitioners").

Joint Petitioners request that the Commission initiate a rulemaking to amend its rules governing Section 214 applications. Joint Petitioners claim that such a rulemaking is necessary to address the issue of red-lining low-income and minority neighborhoods associated with the deployment of video dialtone

¹47 CFR § 1.405(a).

(or "VDT") service.² Joint Petitioners ask the Commission to amend its rules on Section 214 applications to include:

- An anti-red-lining provision which would require providers to:
 - make video dialtone service available to a proportionate number of lower income and minority customers at each phase of deployment, and
 - include relevant census tract data on race, ethnicity and income for each exchange (NNX).³
- Provisions to allow for significant public participation, including expanded public notice requirements, public hearings and a 60-day period for public comment following the hearings.⁴

U S WEST opposes such a narrowly focused rulemaking to amend the Commission's rules governing Section 214 applications. Furthermore, the Commission has sufficient authority under Section 202 of the Act⁵ to remedy any discriminatory conduct which may arise in provisioning video dialtone service or any other interstate service. As U S WEST demonstrates in its

²Joint Petitioners discuss their red-lining claims in more detail in a separate Petition for Relief from Unjust and Unreasonable Discrimination in the Deployment of Video Dialtone Facilities ("Petition for Relief") filed simultaneously with the above-captioned Petition for Rulemaking on May 23, 1994.

³Petition for Rulemaking at 2-3.

⁴Id. at 3-4.

⁵47 USC § 202.

Opposition to Joint Petitioners' Petition for Relief,⁶ no such discriminatory conduct has occurred in the preparation of U S WEST's Section 214 Applications or is proposed therein. No purpose would be served by imposing another layer of Section 214 requirements which would further delay the introduction of video dialtone service in the communities U S WEST serves.

U S WEST agrees with Joint Petitioners that the Section 214 process is ill-suited to evaluating video dialtone proposals. But the solution is not to add another set of inflexible standards to an already complex and cumbersome process. If the Commission continues to employ the Section 214 process to evaluate video dialtone proposals, this process must be streamlined. In its present form, the process acts as an obstacle to introducing competitive video dialtone services. It would be counter-productive to initiate a narrowly focused rulemaking as Joint Petitioners suggest. Adoption of such rules is unnecessary and would only further delay deployment of VDT service to customer groups that Joint Petitioners represent. However, U S WEST urges the Commission to initiate a much broader rulemaking proceeding aimed at streamlining the Section 214 process in its entirety.⁷

⁶Opposition of U S WEST to Joint Petitioners' Petition for Relief filed simultaneously with this Opposition on June 2, 1994.

⁷See In the Matter of Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1, Comments of U S WEST filed May 9, 1994, at 55-56.

CONCLUSION

For the foregoing reasons, U S WEST opposes Joint
Petitioners' Petition for Rulemaking.

Respectfully submitted,

U S WEST COMMUNICATIONS, INC.

By:

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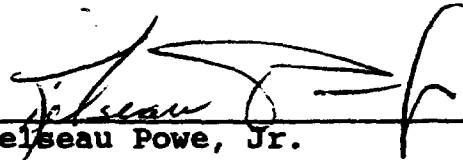
Its Attorney

Of Counsel,
Laurie J. Bennett

June 2, 1994

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 2nd day of June, 1994, I have caused a copy of the foregoing **OPPOSITION** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.

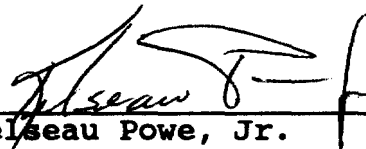

Kelseau Powe, Jr.

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(MED1A214/JH/lh)

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 12th day of July, 1994, I have caused a copy of the foregoing **COMMENTS** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.



Kelseau Powe, Jr.

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